

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #12	CCRB Case #: 201900589	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 01/21/2019 7:00 AM	Location of Incident: [REDACTED]	Precinct: 01	18 Mo. SOL 7/21/2020	EO SOL 3/7/2021	
Date/Time CV Reported Tue, 01/22/2019 12:06 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 01/22/2019 12:06 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			ESS 01
2. SGT Daniel Cawthorne	1183	931589	001 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Kayla Kaiser	14261	950655	001 PCT
2. POM Emil Loresto	10667	920519	001 PCT
3. POM Michael Corradengo	04727	947641	001 PCT
4. SGT Richard Santiago	05066	931158	ESS 04
5. POM Ryan Logan	15993	942070	001 PCT
6. POM Peter Wong	18848	942722	001 PCT
7. POM Benedict Vultaggio	05121	939669	001 PCT
8. DTS Ryan Fiske	5304	941756	ESS 01
9. DTS Vincent Fulgieri	5320	948992	ESS 01

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B. SGT Daniel Cawthorne	Abuse: Sergeant Daniel Cawthorne forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]

Case Summary

On January 22, 2019, § 87(2)(b) submitted this complaint with the CCRB via telephone.

At approximately 7:00 a.m. on January 21, 2019, § 87(2)(b) was in the bathroom of the Manhattan Mini Storage at § 87(2)(b) in Manhattan. She had been inside of the bathroom for a period of the time unknown to her. A Manhattan Mini Storage employee, § 87(2)(b) asked § 87(2)(b) to leave and she refused to do so. § 87(2)(b) § 87(2)(b) called 9-1-1 and officers responded. § 87(2)(b) spoke with NYPD officers through the locked bathroom door for one to two hours. At the conclusion of their conversation, § 87(2)(b) voluntarily opened the bathroom door. Approximately ten officers entered the bathroom and threw § 87(2)(b) into a counter (**Allegation A: Force:** § 87(2)(g)). Officers grabbed § 87(2)(b)'s arms, legs, back, and knees, threw her around the bathroom, hurting her "severely," and dragged her out of the bathroom (**within Allegation A**). § 87(2)(b) was placed onto a stretcher and transported to § 87(2)(b) Hospital as per the instructions of Sergeant Daniel Cawthorne of the 1st Precinct (**Allegation B: Abuse of Authority:** § 87(2)(g)).

The investigation obtained surveillance footage from Manhattan Mini Storage. It captured a significant portion of this incident (Board Review 01).

Findings and Recommendations

Allegation A – Force: Officers used physical force against § 87(2)(b)

Allegation B – Abuse of Authority: Sergeant Daniel Cawthorne forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) was interviewed at the CCRB on February 13, 2019 (Board Review 02). At a time she reported as occurring between approximately 3:00 p.m. and 9:00 p.m. on January 21, 2019, § 87(2)(b) walked into the Manhattan Mini Storage at § 87(2)(b) in Manhattan. She walked directly into the bathroom on the first floor and locked herself inside. § 87(2)(b) an employee at § 87(2)(b), knocked on the bathroom door and asked § 87(2)(b) to leave. § 87(2)(b) opened the bathroom door with a key but § 87(2)(b) held the door shut and re-locked it three times. After an unknown period of time, officers arrived and an unknown voice repeatedly instructed § 87(2)(b) to leave the bathroom. § 87(2)(b) told the officers that she could not come out because she was trying to get dressed and was "in the nude." After one to two hours of speaking to the officers, § 87(2)(b) dressed completely and opened the bathroom door. Approximately ten male officers and two Emergency Medical Technicians (EMTs), who she could not otherwise describe, entered the bathroom and "manhandled" her by throwing her into a bathroom counter. § 87(2)(b) refused to describe this allegation in any additional detail. The officers grabbed § 87(2)(b) by the arms, legs, back, and knees, and "threw [her] around" the bathroom, hurting her "severely." She refused to describe these actions in any additional detail because they were "all on camera." The officers "dragged" § 87(2)(b) out of the bathroom. She was placed onto a stretcher and transported to § 87(2)(b) Hospital.

Police Officer Kaila Kaiser of the 1st Precinct was interviewed on March 21, 2019 (Board Review 04). § 87(2)(g) It is undisputed that Police Officer Kaiser initially responded to this incident with Police Officers Michael Corradengo, Ryan Logan,

and Peter Wong of the 1st Precinct. Upon arrival, they were informed by § 87(2)(b) that § 87(2)(b) had locked herself in the bathroom and had been inside for over three hours. Through the door, § 87(2)(b) told the officers that they were members of the Latin Kings gang and that she was cleaning the bathroom. The officers' supervisor, Sergeant Cawthorne, arrived next. Police Officer Kaiser did not observe § 87(2)(b) being removed from the bathroom.

Sergeant Daniel Cawthorne was interviewed on April 2, 2019 (Board Review 05). Sergeant Cawthorne arrived and spoke to § 87(2)(b) through the door. He asked if she was okay and she told him to go away. He spoke to her for several minutes, during which time she said, "Get the fuck out of here," "You cops are always fucking bothering me," "Not my problem," "You can be here all day," "I'm not leaving," "I'm staying in this bathroom," and "I'm never getting out." Sergeant Cawthorne pretended to be someone else and said, "Ma'am, I have to use the bathroom, I really, really, have to go, can you please open the bathroom? I really have to go." § 87(2)(b) replied, "Not my problem," "Get lost," and, "I'm getting dressed." Sergeant Cawthorne called his supervisors and described § 87(2)(b) as a barricaded Emotionally Disturbed Person (EDP). He considered her to be an "EDP" because she had been in the bathroom for three hours, because the Manhattan Mini Storage § 87(2)(b) told him that § 87(2)(b) had been violent with their staff before, and because when he spoke with § 87(2)(b) she did not make sense. Sergeant Cawthorne was concerned because he did not know what she would do in the bathroom, and he thought that she might try to commit suicide. He felt that § 87(2)(b)'s behavior indicated that she was a threat to herself, and he contacted ESU to remove the bathroom door. Three ESU officers responded to this incident. He did not witness officers removing § 87(2)(b) from the bathroom.

Sergeant Daniel Feldman was interviewed on March 20, 2019 (Board Review 03). He stated that he was not present during this incident. No other officer stated that he was present during this incident.

Sergeant Richard Santiago was interviewed on May 3, 2019 (Board Review 06). He stated that when he arrived, two officers from ESU Truck 1, who were identified by the investigation as Detective Ryan Fiske and Detective Vincent Fulgieri, spoke to § 87(2)(b) through the bathroom door. Although § 87(2)(b) initially refused to come out, after approximately ten minutes, an officer told her that they were going to stay at the door until she came out. § 87(2)(b) said, "Alright," and opened the door. § 87(2)(b) turned around voluntarily. Detective Fulgieri and Detective Fisk placed § 87(2)(b) in handcuffs and after less than two minutes he walked her to a gurney, which she sat on. She was wheeled out of the building by a group of EMTs and Sergeant Santiago never saw her again.

§ 87(2)(b) refused to sign any HIPAA compliant waivers. Consequently, the investigation was unable to obtain any medical records regarding her treatment at § 87(2)(b) Hospital.

Police Officer Kaiser completed an AIDED Report (Board Review 07) that indicated that § 87(2)(b) barricaded herself inside a bathroom, refused to come out for over three hours, and was making irrational statements. The "Actions of EDP" section indicates that § 87(2)(b) placed herself in a dangerous situation and was unable to care for herself. The "Sick/Injured" section indicated that she was neither sick nor injured.

Sergeant Cawthorne completed a UF49 Report (Board Review 13) that indicated that § 87(2)(b) was brought into custody “willingly with no injuries, no weapons and no resistance” after she was convinced to open the bathroom door by Detective Fulgieri and Detective Fiske. Sergeant Cawthorne determined that § 87(2)(b) should be deemed an EDP after being informed that § 87(2)(b) was “being irrational and refused to leave the bathroom,” and after the Manhattan Mini Storage § 87(2)(b) informed him that § 87(2)(b) had “made threats in the past.”

The investigation obtained surveillance footage of this incident (Board Review 01) that captured the door to the bathroom § 87(2)(b) was inside of. This footage captured officers entering the bathroom and escorting § 87(2)(b) out approximately two minutes later (Board Review 08). However, it did not capture the interior of the bathroom. The footage showed § 87(2)(b) being led out of the bathroom in handcuffs. She was on her feet, did not appear to be resisting as she was escorted forward, and did not appear to be injured. No physical force is depicted in this footage.

§ 87(2)(b), § 87(2)(g)

According to Patrol Guide Procedure 221-13, an Emotionally Disturbed Person (EDP) is a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. When an officer reasonably believes that a person is an EDP, that person may be taken into protective custody and transported to a hospital for treatment (Board Review 09).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the eleventh CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).

[illegible]

Mediation, Civil and Criminal Histories

- § 87(2)(b) refused to mediate this case.
- According to the Office of Court Administration (OCA), on April 30, 2019, § 87(2)(b) was § 87(2)(b) of disorderly conduct (Board Review 11).
- According to the New York City Comptroller's Office, as of May 14, 2019, no Notice of Claim has been filed in this case (Board Review 12).

Squad 12

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date